

# Court of Appeals, State of Michigan

## ORDER

People of MI v Leonard Carmona

Docket No. 266228

LC No. 05-004100-01

Michael J. Talbot  
Presiding Judge

Christopher M. Murray

Karen Fort Hood  
Judges

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The Court orders, pursuant to MCR 7.209(D), that the motion to review and cancel bond is GRANTED. The transcript from the October 21, 2005, hearing on defendant's motion for a bond pending appeal reflects that the circuit court engaged in an extensive discussion with defense counsel regarding the viability of counsel's proposed arguments on appeal. The circuit court stated on the record that the arguments made on defendant's behalf likely would not amount to reversible error. Where the circuit court opined that the proposed appellate issues would not raise a substantial question of law or fact, no basis existed to grant defendant's motion under either the statutory or the common law standard. See *People v Hackel*, 463 Mich 851; 615 NW2d 729 (2000); *People v Giacalone*, 16 Mich App 352, 356; 167 NW2d 871 (1969). Defendant thus has not satisfied the criteria for release on an appeal bond and the Court directs that defendant's bond pending appeal be revoked immediately. The case is REMANDED to the circuit court for the limited purpose of further proceedings consistent with this order.

In all other respects, this Court retains jurisdiction.

Fort Hood, J., did not participate.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 4 2006  
Date

*Sandra Schultz Mengel*  
Chief Clerk